

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONALD POLIVKA,)	4:05CV3213
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
HARTFORD LIFE GROUP)	
INSURANCE COMPANY, a)	
foreign corporation, f/k/a CNA)	
GROUP LIFE ASSURANCE)	
COMPANY,)	
)	
Defendant.)	

Because the parties filed, and the Magistrate Judge granted, a joint motion to extend deposition deadline “to allow the parties to continue with settlement negotiations,” I ordered (filing 30) that the defendant’s motion for summary judgment (filing 13) be held in abeyance until June 28, 2006, by which time counsel for the parties were to notify the court regarding whether this case has settled. On June 29, 2006, my office received a letter from counsel for the parties which stated in part: “We have exchanged offers and counteroffers and have made considerable progress. We have reached a point, however, where we believe a mediator would be of assistance. We have discussed various individuals to serve as a mediator, and are currently working toward scheduling a mediation in mid-August.”

In light of the fact that the parties wish to mediate this matter, I shall deny the pending motion for summary judgment without prejudice to refiling should mediation prove to be unsuccessful. Should the parties wish to file additional summary judgment motions after mediation has concluded, I shall require the parties to ask permission from the court to file such motions because the time for filing summary judgment motions has now passed. Accordingly,

IT IS ORDERED:

1. The defendant's motion for summary judgment (filing 13) is denied without prejudice to refiling should mediation prove to be unsuccessful;
2. Should the parties wish to file additional summary judgment motions after mediation has concluded, the parties shall first request the court's permission to do so.

July 5, 2006.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge